

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SEP 14 P 2:52

EDWARDS & ANGELL, LLP,
Plaintiff,

Vs.

HISTATEK, LLC and
HISTATEK, INC.,
Defendants.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 04-11632-DPW

APPLICATION FOR DEFAULT PURSUANT TO RULE 55(a)

TO THE CLERK OF THE ABOVE-NAMED COURT:

I, Mark David Modest, attorney for the above-named Plaintiff, Edwards & Angell, LLP,
state that:

1. The Complaint in which a judgment for affirmative relief is sought against the Defendant herein, Histatek, Inc., was filed on July 22, 2004;

2. The Summons and a copy of the Complaint were served on the Defendant, Histatek, Inc., on August 19, 2004, as appears from the officer's Return of Service filed herewith;

3. The time within which the Defendant, Histatek, Inc., is required to serve a responsive pleading or to otherwise defend as to the Plaintiff's Complaint pursuant to Rule 12 (a) of the

Federal Rules of Civil Procedure or any extension thereof agreed to by the parties has expired;
and

4. The Defendant, Histatek, Inc., has failed to serve or file a responsive pleading or to otherwise defend as to the Plaintiff's Complaint.

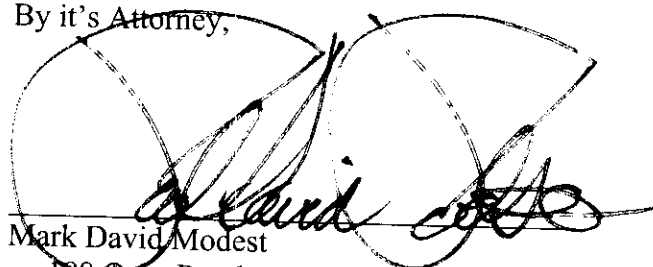
WHEREFORE, pursuant to the provisions of Rule 55(a) of the Federal Rules of Civil Procedure, the Plaintiff makes application that the Defendant, **Histatek, Inc.**, be defaulted.

SIGNED UNDER THE PENALTIES OF PERJURY.

Dated: September 13, 2004

EDWARDS & ANGELL, LLP

By it's Attorney,

A handwritten signature in black ink, appearing to read "Mark David Modest", is written over a horizontal line. The signature is stylized with large, sweeping loops.

Mark David Modest
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